

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983Name Totua Totua

(Last) (First) (Initial)

Prisoner Number #2352140Institutional Address P.O. BOX 67 @ San Bruno, Ca. 94066

550 New
FILED
FEB 25 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIATotua Totua

(Enter the full name of plaintiff in this action.)

CV

08

VRW
(PR)

1126

vs.
San Francisco Police Dept.City of San Francisco)Chief of Police Heather Fong)County of San Francisco)

(Enter the full name of the defendant(s) in this action))

Case No. _____
(To be provided by the clerk of court)COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
42 U.S.C §§ 1983*[All questions on this complaint form must be answered in order for your action to proceed.]*I. Exhaustion of Administrative Remedies

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement _____

B. Is there a grievance procedure in this institution?

YES () NO ()

C. Did you present the facts in your complaint for review through the grievance procedure?

YES () NO ()

D. If your answer is YES, list the appeal number and the date and result of the

COMPLAINT

1 appeal at each level of review. If you did not pursue a certain level of appeal,
2 explain why.

3 1. Informal appeal _____
4 _____

5 _____ 2. First
6 formal level _____
7 _____
8 _____

9 3. Second formal level _____
10 _____
11 _____ 4. Third
12 formal level _____
13 _____
14 _____

15 E. Is the last level to which you appealed the highest level of appeal available to
16 you?

17 YES () NO ()

18 F. If you did not present your claim for review through the grievance procedure,
19 explain why. (N/A) THESE CHARGES ARE A FEDERAL
20 MATTER - 42 U.S.C. 1983
21 _____

22 II. Parties

23 A. Write your name and your present address. Do the same for additional plaintiffs,
24 if any.

25 Totua Totua
26 _____

27 P.O. BOX 67 @ San Bruno, Ca. 94066
28 _____

B. Write the full name of each defendant, his or her official position, and his or her

1 place of employment.

2 _____
3 _____
4 _____
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6 _____

III.

7 Statement of Claim

8 State here as briefly as possible the facts of your case. Be sure to describe how each
9 defendant is involved and to include dates, when possible. Do not give any legal arguments or
10 cite any cases or statutes. If you have more than one claim, each claim should be set forth in a
11 separate numbered paragraph.

12 I was on the corner of O'farrell and Jones sts. at 9:00AM on the 22nd
13 of January when police pulled-up, stopped, and two officers got
14 out. I turned to move aside, and give them room, assuming they
15 were clearing the corner, when one officer shouted come-here
16 you. I stopped, and complied with their order/command. After
17 doing a thorough search of my person, and finding nothing
18 whatsoever, they assumed I was swallowing something
19 so they immediately grabbed my throat, both officers at the
20 same time, and I couldn't breath at all, started passing out,
21 when they body-slammed me, and retrieved no drugs at
22 all, I didn't cough anything up, hadn't swallowed any-
23 thing. I was then given the traditional "trumped-up-charge"
24 of resisting arrest to justify and validate their excessive
25 force.

IV. Relief

26 Your complaint cannot go forward unless you request specific relief. State briefly exactly
27 what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

28 TO BE DETERMINED BY COUNSEL @ LATER DATE.

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I declare under penalty of perjury that the foregoing is true and correct.

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Signed this 18th day of Feburary, 2008

Totua Totua 2/18/08

(Plaintiff's signature)

M. Totua
A.O. Box 67
So. Bruno, Ca. 94066

RECEIVED

FFR - 1 2008

United States District Court
For the Northern District of
California

RICHARD W. WICKING COURT
CLERK, U.S. DISTRICT OF CALIFORNIA
NORTHERN DISTRICT OF CALIFORNIA
450 Golden Gate Avenue Box 36060
San Francisco, California 94102

cc Richard W. Wicking - Clerk

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